

Remarks

The Official Action of June 8, 2004 (hereinafter "Official Action") rejected claims 1-30. Applicant respectfully requests reconsideration.

Art Cited By Applicant

The Official Action requested the Applicant to make some comments regarding the prior art that may be helpful to examination of the present case before the PTO takes official action. Applicant elects to make no comment at this time.

Response to the 35 U.S.C. §103(a) Rejection

The Official Action rejected claims 1-30 as being unpatentable over admitted prior art (such as noted in the specification of this patent application, hereinafter referred to as "APA") and Gong et al. (Proceedings of the USENIX Symposium on Internet Technologies and Systems, Going Beyond the Sandbox: An Overview of the New Security Architecture in the Java Development Kit 1.2, hereinafter also referred to as "Gong").

It is well established that obviousness requires a teaching or a suggestion by the relied upon prior art of all the elements of a claim (M.P.E.P. §2142). Without conceding the appropriateness of the combination, Applicant respectfully submits that the combination of the APA and Gong does not meet the requirements of an obvious rejection in that neither teaches nor suggests a "virtual token" as required by claims 1-30.

It appears that the Official Action is relying on the APA for a teaching or suggestion of a "virtual token." While not completely clear what the Official Action is identifying as the APA, Applicant believes the Official Action is referring to the Background section of the present patent application. However, the Background

section merely describes aspects of a Trust Platform Module (TPM) such as the TPM described in the Trusted Platform Computing Alliance (TPCA) Main Specification, Version 1.1, 31 July 2001. Further, the Background section clearly identifies the TPM as a “physical token”. In short, the Background and Main Specification merely provide a teaching of a “physical token” and do not teach or suggest a “virtual token” as required by claims 1-30.

Since the proposed combination provides no teaching or suggestion of a “virtual token”, the proposed combination fails to arrive at the invention of claims 1-30. Applicant respectfully requests the rejection of claims 1-30 be withdrawn.

Additional arguments to distinguish rejected claims 1-30 from the proposed combination could have been made, but it is believed that the foregoing discussion is sufficient to overcome the present rejection. If the Examiner elects to maintain the present rejection, Applicant respectfully requests the Examiner to point out with more specificity (e.g. page and line number) where the proposed combination teaches and/or suggests a “virtual token.”

Conclusion

Applicant believes the present application is in condition for allowance. Allowance of the pending claims is therefore earnestly solicited. Should it be determined that an additional fee is due under 37 CFR §§1.16 or 1.17, or any excess fee has been received, please charge that fee or credit the amount of overcharge to deposit account #02-2666.

If the Examiner believes that there are any informalities which can be corrected by an Examiner's amendment, a telephone call to the undersigned at (503) 439-8778 is respectfully solicited.

Respectfully submitted,



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